

**Maine Revised Statutes**  
**Title 26: LABOR AND INDUSTRY**  
**Chapter 19: DEPARTMENT OF LABOR**

**§1411-A. DEFINITIONS**

As used in this article, unless the context otherwise indicates, the following terms have the following meanings. [1995, c. 560, Pt. F, §13 (NEW).]

**1. Community rehabilitation program.** "Community rehabilitation program" means a facility operated for the primary purpose of providing rehabilitation services to or gainful employment for people with disabilities, or evaluation and vocational services for disadvantaged individuals, that provides one or more of the following services for people with disabilities:

- A. Comprehensive rehabilitation services, which must include medical, psychological, social and vocational services under one management; [1995, c. 560, Pt. F, §13 (NEW).]
- B. Testing, fitting or training in the use of prosthetic or orthotic devices; [1995, c. 560, Pt. F, §13 (NEW).]
- C. Prevocational conditioning or recreational therapy; [1995, c. 560, Pt. F, §13 (NEW).]
- D. Physical and occupational therapy; [1995, c. 560, Pt. F, §13 (NEW).]
- E. Speech and hearing therapy; [1995, c. 560, Pt. F, §13 (NEW).]
- F. Psychological and social services; [1995, c. 560, Pt. F, §13 (NEW).]
- G. Vocational evaluation; [1995, c. 560, Pt. F, §13 (NEW).]
- H. Personal and work adjustment; [1995, c. 560, Pt. F, §13 (NEW).]
- I. Vocational training in combination with other rehabilitation services; [1995, c. 560, Pt. F, §13 (NEW).]
- J. Placement; [1995, c. 560, Pt. F, §13 (NEW).]
- K. Transitional and supported employment; and [1995, c. 560, Pt. F, §13 (NEW).]
- L. Extended employment for people with severe disabilities who can not readily enter the competitive labor market. [1995, c. 560, Pt. F, §13 (NEW).]

[ 1995, c. 560, Pt. F, §13 (NEW) .]

**2. Disadvantaged individuals.** "Disadvantaged individuals" means:

- A. Persons with disabilities as defined in this section; [1995, c. 560, Pt. F, §13 (NEW).]
- B. Individuals disadvantaged by reason of youth or advanced age, low educational attainments, ethnic or cultural factors, prison or delinquency records or other conditions; and [1995, c. 560, Pt. F, §13 (NEW).]
- C. Other members of their families when the provision of rehabilitation services to family members is necessary for the rehabilitation of individuals described in paragraph A or B. [1995, c. 560, Pt. F, §13 (NEW).]

[ 1995, c. 560, Pt. F, §13 (NEW) .]

**3. Evaluation and vocational services.** "Evaluation and vocational services" includes, as appropriate in each case, such services as:

A. A preliminary diagnostic study to determine that the individual is disadvantaged or has a disability-related barrier to employment and that services are needed; [1995, c. 560, Pt. F, §13 (NEW) .]

B. A diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, cultural, social and environmental factors that bear on the individual's barrier to employment and rehabilitation potential, including, to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustments, employment opportunities and other pertinent data helpful in determining the nature and scope of services needed; [1995, c. 560, Pt. F, §13 (NEW) .]

C. Services to appraise the individual's patterns of work behavior and ability to acquire occupational skills and to develop work attitudes, work habits, work tolerances and social and behavior patterns suitable for successful job performance, including the utilization of work, simulated or real, to assess and develop the individual's capacities to perform adequately in a work environment; [1995, c. 560, Pt. F, §13 (NEW) .]

D. Any other goods or services provided to a disadvantaged individual that are determined in accordance with federal regulations to be necessary for, and are provided for the purpose of, ascertaining the nature of the barrier to employment and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services or other services available to disadvantaged individuals; [1995, c. 560, Pt. F, §13 (NEW) .]

E. Outreach, referral and advocacy; and [1995, c. 560, Pt. F, §13 (NEW) .]

F. The administration of these evaluation and vocational services. [1995, c. 560, Pt. F, §13 (NEW) .]

[ 1995, c. 560, Pt. F, §13 (NEW) .]

**4. Gainful employment.** "Gainful employment" for a person who receives services from the Division for the Blind and Visually Impaired includes employment in the competitive labor market; practice of a profession; self-employment; homemaking; farm or family work, including work for which payment is in kind rather than in cash; supported employment; and home-based employment. "Gainful employment" for a person who receives services from the Division of Vocational Rehabilitation includes employment in the competitive labor market; practice of a profession; self-employment; supported employment; and home-based employment.

[ 2015, c. 141, §5 (AMD) .]

**5. Person with disability.** "Person with a disability" means an individual who has a physical or mental disability that constitutes a substantial barrier to employment but is of such a nature that vocational rehabilitation services may reasonably be expected to render the individual fit to engage in gainful employment that is consistent with the individual's capacities and abilities. "Person with a disability" also means an individual who has a physical or mental disability that constitutes a substantial barrier to employment and for whom vocational rehabilitation services are necessary to determine rehabilitation potential. An "individual who is under a physical or mental disability" means an individual who has a physical or mental condition that materially limits, contributes to limiting or, if not corrected, results in limiting that individual's activities or functions.

[ 1995, c. 560, Pt. F, §13 (NEW) .]

**6. Rehabilitation services.** "Rehabilitation services," which may be provided directly or through public or private resources, means goods and services necessary to assist a person with a disability to engage in a gainful occupation or to determine the individual's rehabilitation potential, including but not limited to vocational rehabilitation services. Vocational rehabilitation services available to people with disabilities include:

- A. Evaluation, including diagnostic and related services, incidental to the determination of eligibility for and the nature and scope of services to be provided; [1995, c. 560, Pt. F, §13 (NEW).]
- B. Counseling, guidance and placement services for people with disabilities, including follow-up services to assist those individuals to maintain employment; [1995, c. 560, Pt. F, §13 (NEW).]
- C. Training services for people with disabilities, which may include personal and vocational adjustment, on-the-job training and books and other training materials; [2015, c. 141, §6 (AMD).]
- D. Interpreting and other specific services necessary to meet the unique needs of those persons who are deaf or who have impaired hearing. These services must include the aid of qualified personnel and interpreters who can relate to and communicate on an effective and meaningful basis with persons who are deaf or have impaired hearing; [1995, c. 560, Pt. F, §13 (NEW).]
- E. Recruitment and training services for people with disabilities to provide them with suitable employment opportunities; [1995, c. 560, Pt. F, §13 (NEW).]
- F. Physical restoration services, including but not limited to:
  - (1) Corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that is stable or slowly progressive and constitutes a substantial barrier to employment but is of such a nature that correction or modification may reasonably be expected to eliminate or substantially reduce the barrier within a reasonable length of time;
  - (2) Necessary hospitalization in connection with surgery or treatment;
  - (3) Prosthetic and orthotic devices; and
  - (4) Eye glasses and visual services as prescribed by a physician skilled in the diseases of the eye or by an optometrist; [1995, c. 560, Pt. F, §13 (NEW).]
- G. Maintenance as necessary during rehabilitation, as established by the rules of the department; [1995, c. 560, Pt. F, §13 (NEW).]
- H. Occupational licenses, tools, equipment and initial stocks and supplies; [1995, c. 560, Pt. F, §13 (NEW).]
- I. In the case of a small business operated by people with severe disabilities, the operation of which can be improved by management services and supervision provided by the department, the provision of those services and that supervision, alone or together with the acquisition by the department of vending stands or other equipment and initial stocks and supplies; [1995, c. 560, Pt. F, §13 (NEW).]
- J. The construction or establishment, in accordance with federal regulations, of public or other nonprofit community rehabilitation programs and the provision of other facilities and services that may contribute substantially to the rehabilitation of a group of individuals but are not related directly to the rehabilitation plan of any one person with a disability; [1995, c. 560, Pt. F, §13 (NEW).]
- K. Transportation in connection with the rendering of any other rehabilitation service; [1995, c. 560, Pt. F, §13 (NEW).]
- L. Any other goods and services necessary to render a person with a disability employable; and [1995, c. 560, Pt. F, §13 (NEW).]

M. Services to the families of people with disabilities when the services will contribute substantially to the rehabilitation of the individuals. [1995, c. 560, Pt. F, §13 (NEW).]

[ 2015, c. 141, §6 (AMD) .]

#### SECTION HISTORY

1995, c. 560, §F13 (NEW). 2015, c. 141, §§5, 6 (AMD).

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